MONTANA LEGISLATIVE HISTORY

Chapter 238 19 71

Bill H 66 S _____ Original bill & history ____C

H. Committee on Environment and Resources		S. Committee on Natural Resources	
Hearing Date(s) Jan 14	✓ C	Hearing Date(s) Feb 18	✓ C
Jan 18	✓ C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Jan 18	✓ C	Feb 18	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

January 14, 1971

The Committee on Environment and Resources met at 10:30 a.m. in the Governor's Reception Room with a quorum present and Chairman Lundgren presiding.

Rep. Darrow, Dist. 9, appeared on House Bill 66 and stated he was the chief sponsor of the bill. He named the bill the Montana Environmental Policy Act. He submitted a copy of the National Environmental Policy Act of 1969 and also a copy of the May, 1970 issue of the Health Planning Issue Paper from Community Health, Inc, These are attached as exhibit 1 A and 1B and become a part of the record.

Rep. Darrow stated that section 2 and 3 of the bill is a statement of purpose, enumeration of policy and that it is identical with the national policy. He said it states the responsibility of the state. He said it spelled out that each citizen is entitled to a healthy environment. Following sections dealt with the responsibility of state agencies for protecting the environment and he said those sections were taken directly from the National Policy Act. He said the Environmental Quality Council would consist of 13 members, 4 members from the Senate, 4 from the House of Representatives, 4 from the general public and the Governor serving as an ex-officio member. The Senate would approve of the appointments. He said the intent of the bill is to establish a working partnership between the executive and the legislative branch of the state government concerning the protection of the environment. He said the terms of office was designated, two years for the representatives, four for the Senators, and no member should serve for more than 6 years. Qualifications of the council members were stipulated, he said, and this language had been taken directly from the national act. The appointment and qualifications of the executive director was written in the bill. The duties and the functions of the director and the staff was spelled out in Section 14, he said. Other sections included transmission to the Governor and to the legislature review and evaluation of operating progress reports. Section 14 and 15 provided certain authority to the environmental council and that language had been taken from the national environmental act. The council, he said, was to function as an arm of the legislature and cooperate with the executive branch of the state government. Section 16, he said, made it possible for the environmental council to cooperate with local, state agencies, and other groups in order that duplication of services would not occur.

Mr. Ted Schwinden, commissioner of state lands and investments, appeared at the request of Rep. Darrow and stated the bill had the support of the natural resources council. He said the council had reviewed the bill at the request of Governor Anderson.

Mr. R. W. Beehaw stated he supported the bill. He said the natural resources board met with Mr. Darrow on October 15 and reviewed the intent of the legislation and on November 12 adopted a resolution to support the proposed bill.

Dr. John S. Anderson, executive officer of the state department of health, stated he was appearing at the request of Rep. Darrow. He said the board of health by statute is responsible for comprehensive health planning and there was a standing council of citizens to advise the state board of health. He stated Rep. Darrow was the chair-

man of the council and was very knowledgeable in environmental affairs. He said one of their main problems was that they did not have the establishment of an environmental agency.

Mr. Winton Weydemeyer appeared on the bill as a director of the Montana Conservation Council. His statement is attached as exhibit 2 and becomes a part of the record.

Mrs. Zoe Gerhart, a recipient of a National Air Pollution Control Administration scholarship, spoke in support of the bill. Her statement is attached as exhibit 3 and becomes a part of the record.

Mr. Dennis Meehan, Billings, a psychology student at Eastern Montana College, supported the bill. His statement is attached as exhibit 4 and becomes a part of the record.

Dr. Wilson F. Clark, chairman of the division of science and mathematics at Eastern Montana College, supported the bill. His statement appears as exhibit 5 and becomes a part of the record.

Miss Jan Rickey, special education graduate, stated she was representing the concerned citizenry of Montana, stated her main interest in the bill was that it would coordinate the environmental facts of the state. She believed in planning for the future, she said. She said that Montana's problems were not hopeless and said the problems should be solved as they came up. She stated the bill provides for definite qualifications of the members of the council.

Polly Percale, assistant professor of political science at Eastern Montana College, pointed out that Montana's productive age populace is leaving the state for employment in other states and if we wanted to keep taxpayers in the state, she suggested passage of H.B. 66.

Mr. Ted Reineke, a senior biology major at Eastern Montana College spoke in support of the bill. His statement is attached as exhibit 6 and becomes a part of the record.

Mr. Chris Field, professional geographer and an associate professor at the University of Montana, Missoula, and representing Western Montana Scientist Committee for Public Information, spoke in support of the bill. His statement is attached as exhibit 6A and becomes a part of the record.

Marilyn Templeton, co-chairman of GASP, Missoula, appeared in support of the bill. Her statement is attached as exhibit 7 and becomes a part of the record.

Mr. Cecil Garland, president of the Montana Wilderness Society, spoke in support of the bill and urged passage of H.B. 66.

Mr. Robert Helding, representing Montana Wood Products Association, and past president of the Montana Taxpayers Association,

stated his Association was in favor of the basic policy of H.B. 66 and whole heartedly supported it.

Mrs. Dorothy Eck, representing the League of Women Voters, spoke in favor of the bill. Her statement is attached and becomes a part of the record as exhibit 8.

Mr. Robert Fischer, representing the Montana Chamber of Commerce, supported the bill. His statement is attached as exhibit 9 and becomes a part of the record.

Mr. Ben Havdahl, representing the Petroleum Industries and Rocky Mountain Oil and Gas, stated he would like to file their support of H.B. 66 on behalf of the oil industry in the state.

Mr. Don Boden appeared in support of the bill and pointed out especially that the council members would be required to have certain qualifications, the executive director would be required to have an educational background and he said he liked the idea that the council would meet at least quarterly.

Mr. Joe M. Halterman, Livingston, appeared in support of H.B. 66 and his statement is attached as exhibit 10 and becomes a part of the record.

Those attending the morning hearing on H.B. 66 but who did not speak but left statements with the secretary were:

Calvin Ryder, exhibit 11

Gordon Whirry, exhibit 12

Mrs. R. E. Tunnicliff, exhibit 13

Chairman Lundgren stated the hearing would be continued upon adjournment of the House in Room 431 and the meeting was adjourned at 12:05 noon.

Respectfully submitted,

hmw

Conrad F. Lundgren
Chairman

THOSE WHO SIGNED WITNESS FORMS IN FAVOR OF H.B. 66

January 14, 1971

MARGARET E. ADAMS, GREAT FALLS

DON ALDRICH, MONTANA WILDLIFE FEDERATION

JOHN ANDERSON, M.D., STATE DEPARTMENT OF HEALTH

JOHN BADEN, DR.

MRS. PATTY CALCATERRA, SIERRA CLUB, MISSOULA

DR. DAVID CAMERON

DOROTHY ECK, LEAGUE OF WOMEN VOTERS

CHRIS FIELD, WESTERN MONTANA SCIENTIFIC COMMITTEE FOR PUBLIC INFORMATION

C. R. FISCHER, MONTANA CHAMBER OF COMMERCE

CECIL GARLAND, MONTANA WILDERNESS ASSOCIATION

BEN HAVDAHL, PETROLEUM INDUSTRY, ROCKY MTN. OIL AND GAS ASSOCIATION
MONTANA PETROLEUM ASSOCIATION

ROBERT N. HELDING, MONTANA WOOD PRODUCTS ASSOCIATION

JOE M. HALTERMAN, LIVINGSTON

CARL LIND

MRS. R. E. TUNNICLIFF, AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

MARILYN TEMPLETON, GASP

WINTON WEYDEMEYER, MONTANA CONSERVATION COUNCIL

GORDON WHIRRY, BOZEMAN ENVIRONMENTAL TASK FORCE

Public Law 91-190
91st Congress, S. 1075
January 1, 1970

6 # 1 a
Dawson
H B 66
1-14-71 A.M.

An Act

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969". National Environmental Policy Act of 1969.

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. Policies and goals.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

80 Stat. 416.

Duties and functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

34 F. R. 8693.

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315). Tenure and compensation. 80 Stat. 460, 461. 81 Stat. 638.

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter. Appropriations.

Approved January 1, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-378, 91-378, pt. 2, accompanying H. R. 12549 (Comm. on Merchant Marine & Fisheries) and 91-765 (Comm. of Conference).
SENATE REPORT No. 91-296 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 115 (1969):
July 10: Considered and passed Senate.
Sept. 23: Considered and passed House, amended, in lieu of H. R. 12549.
Oct. 8: Senate disagreed to House amendments; agreed to conference.
Dec. 20: Senate agreed to conference report.
Dec. 22: House agreed to conference report.

GPO 37-139

HEALTH PLANNING
ISSUE PAPER
FROM COMMUNITY HEALTH, INC.

Planner
HB 66
1-14-71
AM

Issue Paper #4 May, 1970

Ecology and Administration

The ecological perspective toward man and his world has taught us that there are literally thousands of finely articulated subsystems in an all-encompassing ecosystem Man's actions as a manipulative species cause changes in this environment whose effects may be proximate or distant, anticipated or unanticipated. In the current environmental crisis, we are harvesting the fruits of centuries of lack of concern or lack of appreciation of the ecologic consequences of human activity. The cumulative insult to the environment has risen continuously, while the response in society has been highly incremental and oriented toward single problems.

One result of this incremental, uncoordinated approach to societal programming for th environment has been the development of a multitude of administrative subdivisions in government that deal with one subsystem or another without efforts to achieve integration. Environmental control programs have grown out of concerns as diverse as preservation of wildlife, management of natural resources, protection against communicable disease and increasing agricultural production. In addition, there are many other governmental programs that are related to environmental problems, either as part of the cause or part of the solution. As a result, we find programs c considerable environmental impact distributed widely within government--in departmen of commerce, health, housing, conservation, urban affairs, agriculture, and transportation to cite a few. Such subdivisions seldom share goals or information and many operate in direct competition. There is obvious need for better coordinating the programs dealing with the environment, the causes of its deterioration, and the means for its enhancement.

As government at every level strives to respond to the ecological crisis, the soluti emerging tends--more frequently than not--to be an attempt to create some type of "ecological superagency". Such agencies--according to their proponents--will unite the fragmented environmental programs that have grown in number in recent years, and create combinations which will be what the Governor of New York calls "an ecological whole". In our view, creation of such agencies represents an approach that is neith logical nor ecological. There is a real danger that--while appearing to "do something" to improve environmental programming--such agencies will merely perpetuate fragmentation at a time when a coordinated response is essential.

In exploring the ecological aspect of our concern, it is necessary to distinguish between environment and ecology. Environment has traditionally been used to designa the physical world--outside of man and his social systems--in which man operates as autonomous manipulator. Ecology refers to the study of the totality of patterns of relations between organisms and their environment. The environment's response and adaptation to man sets up new relationships which in turn operate to influence new adjustments in man. Heretofore to a large degree we have considered man's relations to the environment in a very simplistic fashion: Man as the actor and some element the environment--air, water, land, wildlife--the material to be acted upon. The real significance of the emergence of ecology--both as a label and as an approach--i the attention it draws to the reciprocal nature of the relationship of man and

environment. Drawing from this, we can hypothesize that an "ecological" approach to administering government programs must focus on a mechanism capable of integrating not only those programs dealing with control of pollutants of the natural environment--air, land, and water--but also those governmental programs that contribute to the environmental problem and those programs that deal broadly with the effects of the environment on man and other living organisms.

If the logic behind proposals for recombining environmentally-related programs into superagencies is presented as ecological, there are some very real problems. First, where should the line be drawn for inclusion and exclusion of programs? To do less than pulling all environmentally related programs together destroys the logic of recombination. This appears a practical and political impossibility, and none of the realignments proposed or accomplished even begins to approach this magnitude of change. It is more common to take conservation programs, water quality, air pollution and solid waste under the "ecology" banner and ignore ecologically-equal activities in other fields. In reality, the problems of the environment are so pervasive that virtually every agency of government has some responsibility. Would it not be more efficacious to concentrate on seeing that everyone fulfills their respective responsibilities?

Administratively recombination itself is not a panacea for environmental problems. Organizational proximity does not necessarily enhance coordination of cooperation. Administrative reshuffling does not approach the root problem of equally fragmented legislative authorities, nor does it change the established attitudes and approaches of the career employees within the administrative units. In any event, many decisions pertaining to environmental improvement and protection will involve major reallocation of resources, shifting of priorities and new government-wide policies. These are essentially political choices.

An example from the recent past may clarify the existing situation. The Army Corps of Engineers has for many years conducted a continuous program for removing debris from the waters of New York Harbor. This includes a heavy volume of wood from decaying piers, sunken vessels, and so forth. The method of disposal of this bulky but combustable material has been to fill barges with the waste, and when it is sufficiently dry, to burn it. These barges were anchored off the New Jersey shore near the Statue of Liberty. The burning was clearly in violation of local and State legislation, and in conflict with Federal air quality guidelines. The Corps' response to complaints over the burning was quite simple--they had a Congressional mandate to keep the harbor open to navigation, and the open burning was the only feasible way to dispose of the material until such time as the Congress made funds available for a planned incinerator. Here were a number of agencies with environmental missions acting to carry out their legislative mandates. Two matters of public interest--clear navigation and air quality--were in conflict. "Combination therapy" would not have changed the mandates or mitigated the conflict.

We have raised some questions about a currently popular political response to the "ecological crisis". Is there a means of approaching the problem of ecological programming that can begin to give us the advantages of common goals and less competition, and also leave room for important interest groups to be heard? The analytical framework of ecology suggests a possible solution. In dealing with the

ecosystem, we recognize that there are many subsystems that interact continuously. In the present administrative situation, there are also many subsystems, but they do not interact in any coordinated fashion. Recognizing the limited ability of executive councils to effectively channel the efforts of administrative agencies which have a high degree of independence, we suggest consideration be given to creation of a Legislative Council on the Environment.

This Council would be established by and be responsible to the legislative body, and would be staffed with technical personnel from the various disciplines involved in governmental environmental programming. Its functions would include:

(1) Analysis of legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences, and preparation of reports for use by legislative committees, administrative agencies, and the public.

(2) Consultation with, and assistance to, legislators who are preparing environmental legislation, to clarify any deficiencies or potential conflicts with an overall ecologic plan.

(3) Research on environmental questions for legislators and legislative committees.

(4) Continuous review and evaluation of operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations.

(5) Institution and monitoring of a government-wide, legislatively-directed program planning and budgeting system for all environmentally-directed program activities.

This approach--perhaps without precedent--is suggested because the situation we face is also unprecedented. Fragmented response has helped bring the nation to the brink of a major ecologic crisis. Only the chief executive and the legislature have a sufficiently broad viewpoint and authority to provide the needed unity of purpose. Since effective coordination of a sufficiently broad scope seems an impossibility on the administrative side, the legislature--theoretically more responsible to the electorate and with its pre-eminent fiscal role--seems more likely to be able to provide the leadership and coordination essential to success and survival.

1-14-71 AM.
Ex 1-C

Exhibit a
Damron
HB66

Public Law 91-190
91st Congress, S. 1075
January 1, 1970

An Act

To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969". National Environmental Policy Act of 1969.

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. Policies and goals.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Administration.

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

Copies of statements, etc.; availability.

81 Stat. 54.

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act. Review.

SEC. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation. Report to Congress.

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment. Council on Environmental Quality.

SEC. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

80 Stat. 416.

Duties and functions.

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

34 F. R. 8693.

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315). Tenure and compensation. 80 Stat. 460, 461. 81 Stat. 638.

SEC. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter. Appropriations.

Approved January 1, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-378, 91-378, pt. 2, accompanying H. R. 12549 (Comm. on Merchant Marine & Fisheries) and 91-765 (Comm. of Conference).
SENATE REPORT No. 91-296 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 115 (1969):
July 10: Considered and passed Senate.
Sept. 23: Considered and passed House, amended, in lieu of H. R. 12549.
Oct. 8: Senate disagreed to House amendments; agreed to conference.
Dec. 20: Senate agreed to conference report.
Dec. 22: House agreed to conference report.

GPO 37-139

Exhibit 2
1-14-71
H.B. 66

HOUSE COMMITTEE ON ENVIRONMENT AND RESOURCES
January 14
1971

Testimony on H.B. 66

Winton Weydemeyer
Montana Conservation Council

.....

May the record show that I am Winton Weydemeyer, legislative representative of the Montana Conservation Council. That this committee may properly assess our testimony and our endorsement of H.B. 66, it seems desirable to provide some background information. Briefly, the Conservation Council is a composite statewide citizens group embracing in its membership personnel of nearly all state and federal agencies dealing with the natural resources of Montana; representatives of all our University units and various business and professional groups; and members of practically all state farm, conservation, and sportsmens' organizations, as well as individuals from all segments of society.

Our general approach to resource and conservation issues is clearly indicated in the first two official statements of our purposes, which have remained unchanged for the past 22 years. Let me quote: 1: "To promote wise use of Montana's soil, water, grass, mineral, timber, wildlife and recreational resources for the maximum benefit of this and future generations."

2: "To stimulate cooperative conservation action by Montana people interested in achieving beneficial use, without waste, of the state's natural resources."

These are not the purposes of pure preservationists or extremists.

While these purposes have not changed, our approach to methods of achieving these objectives has not remained static. Instead they have been responsive to altered economic, technological, ecological, and administrative changes, and to changed public attitudes.
We applaud and encourage the sincere and active interest of our young

Exhibit 2
1-14-71
H.B. 66

people in the quality of our environment, and plead guilty to their basic charge that our and earlier generations have unnecessarily abused, degraded, and exploited the natural world upon whose riches our lives, our economy, and our quality of living depends. We who in too few numbers have been concerned with ecological issues for most of our lives welcome the interest, the enthusiasm, and the fresh approaches of our young people in conservation's newest field of concern.

In April of this past year, at our annual meeting, our members explored and discussed this new field of concern for the environment, including in our offical program participation by a large number of students from our various University units. In our ~~final~~ concluding session, I believe without a dissenting vote, members adopted this policy statement:

"A major conservation challenge of today is to achieve needed development and use of our natural resources while concurrently protecting and enhancing the quality of our environment. As the difficult choices and decisions to be made in the field of resource use and management will require the cooperative thinking and efforts of resource agencies, educational institutions, user groups, and the general public, the Council seeks to promote public understanding of issues and problems involved, and attempts to secure the general agreement and ~~understanding~~ cooperation needed for the determination of goals, methods, and programs."

As one means of promoting--and we hope securing--this needed understanding, cooperation, and coordination, we give our strong support to H.B. 66, provisions of which have been and will be explained by others. We hope that this committee and the Legislature will accept the challenge of our times, which is to harmonize the activities of man with his natural environment.

.....

Testimony by: Mrs. Zoe Gerhart
2645 Clark
Billings, Montana

re: House Bill 66
Montana Environmental
Policy Act

I am Mrs. Zoe Gerhart, a former high-school teacher, active member of the Billings/Yellowstone Environmental Council, former Billings League of Women Voters Water Chairman, recipient of a National Air Pollution Control Administration seminar this past summer in Washington, D.C., and mother of two pre-schoolers.

I speak today as a mother, because I attempt to raise my children, as you no doubt attempt to raise yours, in an environment of life and vitality. I attempt to give them ample opportunities to behold the wonder and joys of life, keeping alive their creativity, their sense of excitement at the multitudinous varieties of life, teaching them respect for themselves and respect for all life, trying to show the fragile relationships between man and man, nation and nation, and man and the universe.

As most parents, I seek to reward excellence, to praise when a job is well done. I expect much of my children--I expect them to become fully human. If human in the complete sense of that term, they won't shrink from responsibility. They will be possessed of a divine discontent, an inner drive, a vision or ideal of what a man could or should be, and they will strive towards this goal. The striving will bring them personal fulfillment, but of equal importance, society will be bettered by those who search for meritorious goals. We dream the impossible dream, and by stretching our souls and efforts, much is accomplished.

What has this to do with HB 66? House Bill 66 encompasses a dream--or a vision. The author of this legislation has faith that man, rational man, can, through planning, preserve an environment conducive to man's mental and physical health. He has the hope that man won't destroy the fragile web of life. He envisions an environment which allows man to plan ahead. His bill legislates <u>foreknowledge</u>.

In Greek mythology, Pandora opened the box of plagues and troubles because Epimetheus (afterthought) forgot the admonition of Prometheus (forethought) to accept no gifts from Zeus. Ecologically, we, too, may be opening a Pandora's box. The earth is finite; her resources are limited; her capacity to accept abuse is also limited. The pace of change, like the speed of a falling object, constantly accelerates. Rather than reacting after the damage has been done, as Epimetheus did, we now have a piece of legislation enabling a Promethian approach, a rational political process by which to weigh and judge the technological changes affecting the citizens of our state.

Ecologically, it is vital that foreknowledge be used, and that safeguards, alternatives, and consequences be examined. Far too many important technological developments touching upon millions of lives go forward without a sense of responsibility to the public welfare. Stopping these activities is like locking the barn after the horse has escaped. You're all familiar with the mercury problem, DDT, the Death of Lake Erie, but the New York Times records an example of a legislative impasse of accellerated change: "Just recently, the Canadian government of Prime Minister Trudeau began the sensible process of protecting the Arctic waters against the disastrous consequences of major oil spills.

> In trying to write maritime regulations that would prevent such spills, rather than concentrating on cleaning up after them, the Canadians were shocked to learn that so many supertankers are presently ordered and under construction that shipyards can make no major design innovations to guard against spills until late in the 1970s."

As you know, HB 66 establishes a bi-partisan Environmental Quality Council of 13 members with a qualified executive director and a staff to investigate, to discover areas of overlapping, and to obtain a broad perspective on state environmental problems. Armed with this knowledge, the Director is required to report annually to the governor, the legislative assembly, and the public on the quality of the state's environment. A potent factor in the bill's favor is that the Council has muscle. It has legal access to records and files of any department and can subpoena witnesses to testify. Thus important information can be gathered while it is still environmentally relevant.

Many citizens are awed and overcome by the complexities of government. Others are disillusioned by red tape and slowness. How excellent to have an agency whose function is to "create and maintain conditions under which man and nature can co-exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Montanans." How far sighted to have advance studies detailing environmental impact, adverse effects, alternative solutions, and irreversible actions, and to have this information available not only to the Council but to the public.

My children still believe in man's fairness and basic goodness; they vibrate and glow with the energies of life. They are accustomed to Montana's big sky, her majestic mountains, and healthful environment. I want my grandchildren to appreciate these things, too, and I would feel more secure, as I know most citizens would, knowing that there was a systematic, continuing, single, cohesive, life-oriented survelliance system in the state, having the power to develop and recommend policies concerning man's relationship with the natural environment. Prometheus gave us forethought. Pandora left us hope. I hope this committee will give us "Route 66" to environmental quality.

Exhibit 1-14-71 a.m. H.B. 66 Meehan

To: The House Committee on Environment and Resources Hearings on House Bill 66

Statement by: Dennis J. Meehan, 1101 N. 24 th, Billings, Montana 59102

I would like to begin by thanking you for giving me this opportunity to present my comments on House Bill 66. I am a senior psychology student at Eastern Montana College as well as a voter in this state.

Over the last year I have noticed a general change in the thinking of many of my fellow students in regard to Montana's ability to meet their needs. Two years ago many of these students were planning on leaving the state because of the economic security offered them in other states. Today, however, there is an increasing desire in these students to remain in Montana. Probably the most important fact bringing about this change has been the environmental issue. These students, myself included, have come or are coming to the realization that Montana has much more to offer them in the way of providing a quality environment in which to live. Montana is, in my opinion, in a position which many other states no longer find themselves, in that it still has the opportunity to control or prevent the problems which other states have found themselves plagued by. Therefore I believe that remaining in Montana will be greatly dependent upon the legislature of this state in providing environmental protection. House Bill 66 is, in my opinion, an important step toward providing this. The goals which have been set forth in this bill are com-

---

Speaker's Background: The speaker has been actively involved in environmental problems for the last year. He is a senior student in psychology about to graduate from Eastern Montana College with a Bachelor of Arts Degree in Psychology in March. He is a resident of Montana having lived in Billings and Huntley for most of his life.

prehensive enough to provide a sound base for future legislation. Although there are some reservations and unanswered questions in my mind regarding this bill, I nevertheless think it is a good bill, since it's enactment will provide a much needed monitoring device which has access to almost all sources of information, public and private, available in and outside of the state of Montana. At the same time, however, it appears to me that since much of the information will come from state agencies, the Council will be dependent upon the ability and willingness of the various agencies to provide this information. Furthermore, I feel the effectiveness of this proposed Environmental Quality Council lies not only in who is appointed but more importantly in the support it needs to receive from bills such as HB 33, HB 85, and/or other similar bills which will bring the realization of the desirable goals of the policy set forth in House Bill 66.

With the upcoming 18 year old voters and the concern these youth have for the environment, more and more demands are going to be made on the legislative bodies of this country to provide them with a future in a healthful environment. And though there may appear to be a shift in attitude of youth from economic security to a quality environment, I do not believe that they will be demanding less in terms of economic security in the future. Therefore House Bill 66, which is designed to take into account the maintenance of a quality as well as an economically secure environment, will meet their needs as well as mine.

Personally I have made the decision to remain in Montana in spite of the fact that jobs in my field, psychology, in the state

of Montana are scarce. Two years ago economic security was very important to me. Since that time I have become more willing to accept less economic security so that I may live in a more healthful environment. The enactment of House Bill 66 would give me more confidence that the state of Montana would provide this environment, although I realize that this bill is not the final answer to the problems we are faced with or will be facing. Most certainly, as I have said before, I feel it provides a good basis from which other legislation can and should follow.

Exhibit 5
1-14-71 a.m.

TO: The House Committee on Environment and Resources
Hearings of Thursday, January 14, 1971

-- on HB 66 -- the "MONTANA ENVIRONMENTAL POLICY ACT"
introduced by Representative Darrow and many others.

Statement by --

Dr. Wilson F. Clark (Alkali Creek Road, Billings, Montana 59101)

Members of the Committee:

I appreciate the opportunity to testify briefly on HB 66, the Montana Environmental Policy Act. I'm speaking on behalf of the Billings/Yellowstone Environmental Council (a citizens organization in Yellowstone County, of some 170 members), and on behalf of the Montana Conservation Council. In this latter capacity I am supplementing and not supplanting the testimony of Mr. Winton Weydemeyer, the official representative of the Montana Conservation Council.

This bill, as you know, is a Montana adaptation of somewhat similar federal legislation. I view its major sense as a policy declaration, a guide to constructive action, and an Environmental Bill of Rights. It seeks for that often elusive "middle ground" between the purely preservationist philosophy and the purely exploitive philosophy, and indeed we must soon find that middle ground. It endeavors to foster, encourage, promote, and develop attitudes and actions that show individual responsibility, state and local governmental agency responsibility, and corporate and industrial responsibility towards the total environment. And it defines a State Policy that will give many long-range as well as present benefits to the economy of the State, and to the health and well-being of our citizens.

Speaker's background: Dr. Wilson F. Clark: Chairman, Division of Science and Mathematics at Eastern Montana College, and Professor of Conservation Education; past president and currently a Director of the Montana Conservation Council; currently the coordinator (or general chairman) of the Billings/Yellowstone Environmental Council; past president of the national organization, the Conservation Education Association; a member of the Montana State Advisory Board of the Bureau of Land Management; a member of other state and national resource-oriented organizations; and a person personally and professionally involved in resource education work since 1949.

I believe that one needs to also state what the Bill is not. It is not a bill controlling or setting regulations for any specific land or resource use. It is not a measure to make the state one vast park and playground. It is not a piece of legislation that anyone need fear, for its goals are constructive and long range. It is not a device for throttling industrial or agricultural development -- and in fact, it will encourage and foster economic development that is socially responsible and environmentally sound.

I have studied HB 66 in detail, both in its draft form and in its finally introduced form, and I have corresponded with Representative Darrow about a few points of format and language.

Section 3(a) of HB 66 states very well the detailed goals of the Act, and I fully concur with those goals, as do the two organizations I represent here today.

Section 3(b) states a recognition of each person's right to a healthful environment -- and I feel that "healthful" means not only physical health but also mental health. In this connection, Section 3(b) of HB 66 lays a foundation for HB 33, the Environmental Protection Act, for the latter Act defines the tools and avenues for responsible citizen or other action to assure that the major goals of HB 66 are reached.

Section 4 defines State Agency responsibility, and -- and this is important -- it forces examination of alternative solutions -- something that is too infrequently done.

Section 8 sets up the Environmental Quality Council. I agree with the composition as stated and with most of the criteria for appointing persons to this EQ Council. I would like to see some clearer definition of who should represent the "General Public". These people should be persons who, over the

years and irrespective of corporate, organizational, or political affiliation, have clearly shown a deeply-held concern for the good of the state and its people. We should carefully avoid thinking of these "general public" members as (for instance) one representing the livestock industry, one the wilderness interests, one the industrial segment, and so on. Instead, the people selected must be people of demonstrated broad understanding who have qualities of selflessness and statesmanship.

In Section 11, about the Executive Director of the Council -- I would like to see somewhat more (perhaps four or five) years of experience required. I do agree with the duties of this Director, as defined in subsequent sections.

HB 66 is a "landmark" bill. It has the strong support of the Board of the Montana Conservation Council and of many members of the Billings/Yellowstone Environmental Council, for whom I speak, and I also give it my personal endorsement.

Passage of this bill is essential, in order to accomplish much that is needed. I urge this Committee to view it favorably.

Thank you.

Exhibit C
1-14-71

To: The House Committee on Environment and Resources

Presented at the committee hearing on HB 66 "AN ACT TO ESTABLISH A STATE POLICY FOR THE ENVIRONMENT AND TO ESTABLISH AN ENVIRONMENTAL QUALITY COUNCIL AND SETTING FORTH ITS POWERS AND DUTIES."

Statement by: Theodore E. Reineke, 1221 Custer Ave., Billings, Montana 59102

Members of the Committee on Environment and Resources:

I appreciate the opportunity to give this statement on House Bill 66, introduced by Representative Darrow. In testifying before this committee I am speaking in behalf of the Eastern Montana College Wilderness Club, a student organization which is not only concerned about the preservation of wilderness, but also the quality of our total environment.

This bill is a significant step in the direction of a quality environment for future generations of Montanans. House Bill 66 will establish a unified state policy pertaining to development and preservation of our environment. In this respect it will serve as a midpoint between those groups or individuals who would develop our state without controls and those who would return Montana to a total primitive area. We must not be pushed to the extremes for to exist as a state we must develop, but the development must be responsive to the environment. I believe that Section 3 clearly establishes this as a basic policy. Although House Bill 66 does not have any means of

---

Information about the Speaker: Theodore E. Reinke is a student at Eastern Montana College majoring in biology; a member of the Billings/Yellowstone Environmental Council; chairman of the Conservation Committee of the Eastern Montana College Wilderness Club; member of the Student Advisory Board of the Montana Conservation Council. He recently assisted in the direction of the Environmental Responsibility Workshop held at E.M.C. and has been involved with several other environmental activities over the past three years.

enforcing the policies which are to be established by the Environmental Quality Council, I feel the intent of this act is to focus state policy on the goals established in Section 3. The enforcement of the goals set forth in this bill can and should be implemented in other legislation. One act which would certainly help establish the goals of House Bill 66 would be House Bill 33, "The Montana Environmental Protection Act."

Because the Environmental Quality Council can investigate, examine, and inspect the records of any department or agency, it would serve as a watch dog which could improve the efficiency of the various agencies by guarding against repetitive activities.

Section 16 of this bill is important in that it directs the Council to consult with groups that have specific interest or knowledge in various problem areas of the environment.

Since the responsibility for a quality environment must be shared by all parties involved it would be my hope that the goals set forth in this bill would initiate policies which have long-term value.

Exhibit 6-A
1-14-71 a.m.
Field
HB 66

Testimony in Support of HB 66

My name is Chris Field. I am a citizen and a professional geographer. I am an associate professor at the University of Montana, Missoula.

My major professional interest and concern has been with the human modification and use of the earth. I am a student of environment, not a student of environmental management. My studies lead me inescapably to the conclusion that the only enduring relationship between man and his habitat is that of custodianship. In the histories of civilization I am acquainted with, in the trends I now perceive, it is clear that the continuity and survival of particular societies depends to a major degree on the restraint and constructive care with which they treat their habitat resources.

The care and protection of the environment, that habitat which gives us support and opportunity, is our fundamental responsibility to each other and to the continuity of life on earth. We must assume our obligation to protect the interests of future by caring for the portion of the earth which we occupy. As Montanans, because we have relatively more that is pristine and untouched, we have a special responsibility to the nation and the world.

The spirit and intent of this bill is unquestionably sound and urgent. The provisions and the organizations established by this bill seem to me to be carefully written with a great deal of common sense.

I submit the following remarks in a spirit of constructive criticism, with the thought that you may wish to consider them at the appropriate time.

p1, line 15-16. I would strike the words environment and, leaving biosphere. Perhaps nurture would be preferable to stimulate.

p1, line 23. Occasionally low density urbanization is more destructive of environment, especially land, than is high density.

p2, line 14 and 15. This sentence is excellent.

p2, line 26. High standards of living is a relative matter which needs to be periodically re-defined. I would prefer the word adequate, since the concept of living standard as an index to consumption is coming under fire.

p2, line 29. It might be well to insert the words and recovery between recycling and of depletable. This would more directly encourage procedures of secondary recovery in oil fields as well as give support to efforts to counter highgrading in mining.

p3, line 1. paragraph (b). This is a key paragraph. Keep it.

p3, line 11. (a) Any conscientious academician will tell you, as I do, that this paragraph cannot be explicitly and literally fulfilled. The call is too broad, for such systematic approaches do not yet exist except as ideals towards which one may strive. There are no review formulas which would literally fulfill the demands this paragraph would make on a state agency. Nevertheless, I recommend that it be kept, for it clearly shows the direction and intent consistent with the objectives of the legislation. It is an especially valuable paragraph because it directs agencies to rely upon more than one source of advice. Instead of simply being able to rely upon in-house expertise or single sources of advice, an agency would have to take a more holistic view of their problems. They would have to ask for advice from the biological sciences, landscape architects, artists, sociologists, and geographers as well as from lawyers and economists and enterprise. The primary problem is that of diversification, for we all know that it is easier to get the advice you want from someone who already thinks the way you do. It is a means of avoiding the mistakes that come from perceiving objectives too narrowly.

p3, line 18. The word appropriate is a good one, but vague. I would prefer, at least, to have the word equal substituted. I grant that I can imagine contexts in which greater consideration should be given to one or the other. What is important, I think, is that the intangible amenities be given an opportunity to be considered as potentially overriding.

p4, lines 5 through 15. The information must be made available to all parties listed before projects are imposed on the landscape; before irreparable damages have been done. Keep this intact.

p5, lines 24 to 27. I must confess that I do not fully understand the implications of the word supplementary. It clearly should not mean subordinate.

p5, lines 28, 29, 30. The number is appropriate to the functions.

p6, lines 11 to 16. Since the problems of the environment affect individuals and society without respect to party, great efforts should be made to ensure that the deliberations and functions of the council should not become partisan issues. Is it possible to extend the bi-partisanship requirement to the general public appointees?

p7, line 20-21. I suspect that the field of environmental management is a bit too broad to be satisfactory. One might include forestry, park service, farming, landscape gardening or subdivision planning. The problem is simply that we do not have any good, neat categories for such people in society today. The potential managers are getting trained in the universities, but it is a new profession. I would urge simply that the candidate have qualifications which include training in some environmental aspects of biological sciences, specifically, ecology.

p7, line 23. Add the word attitudes after experience.

p9, lines 8-18. This kind of information process is notably lacking in this state. We simply do not know all that we must know to be able to make rational or scientific decisions.

p10, line 3. This report would be a major contribution to rational government. It cannot be useful unless it is made available to the public.

p11, line 7 through 25. The authority to obtain information is absolutely essential and vital. Planning, regulation, development, and public understanding depend on knowledge.

I urge that this committee recommend adoption of this bill in essentially its present thoughtful and carefully considered form.

Thank you for your consideration.

Chris Field, Ph.D.
President
Western Montana Scientist Committee
for Public Information

Exhibit 7
1-10-71

I am Marilyn Templeton, Co-chairman of GASP, Missoula. Is it Easier to remain apathetic? Is it easier to avoid accepting responsibility? Is it really easier to do nothing? No. We can no longer afford these luxuries, if, indeed, we ever really could. We need only look around our nation to see the results of such inaction. The people now face nearly insurmountable problems in many areas. We must not allow this to happen to Montana. We must not will the debts of our mismanagement or our greed to our children.

As we guide Montana's development we must use all the scientific, technological and sociological expertise available to us. This is our responsibility. We must attempt to provide a liveable environment for all people, not just those who are strong and healthy and thus can tolerate adverse situations. We must avoid creating emotionally explosive situations that have accurred in the past, and indeed, are present right now in some of our communities. We must establish a state policy for the environment. It costs far less to prevent than to clean up, if cleaning up is even possible.

Include people in the decision making. Publish the reports, make them easily available so that people can study them, understand them

Templeton:

and come to intelligent conclusions. We do not intend to harass anyone, nor do we intend to lock up the state. However, it makes no sense to a thinking person today to continue our acceptance of piecemeal, sometimes inept, development of our state. Adequate, comprehensive planning covering all areas of our environment, involving all segments of our population is imperative. Perhaps we feel more strongly about this in Missoula because we are so acutely aware of what can happen. It may take years to erase the bitterness and the animosity that have developed in our community during our struggle to solve our air pollution problem. Today through intelligent and prudent planning similar situations and such intense antagonisms can and must be avoided. Therefore we of GASP strongly urge your support of House Bill 66.

Dorothy Eck
League of Women Voters
Exhibit 8
1-14-71

HB 66 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A STATE POLICY FOR THE ENVIRONMENT AND TO ESTABLISH AN ENVIRONMENTAL QUALITY COUNCIL AND SETTING FORTH ITS POWERS AND DUTIES."

DURING THE PAST TWO YEARS WE HAVE ALL SEEN A SURGE OF PUBLIC DEMAND FOR POLICIES WHICH WOULD ALLOW US TO MAINTAIN A CLEAN ENVIRONMENT...NOW...RATHER THAN REHABILITATE ABEFOWLED ONE LATER ON.

THE LEAGUE OF WOMEN VOTERS IS IN THE MIDST OF A NATIONAL STUDY OF ENVIRONMENTAL QUALITY...AND WHILE OUR SUPPORT POSITION AT THIS TIME INCLUDES ONLY WATER RESOURCES...IT IS A LONG-STANDING AND FIRM ONE.

THE LEAGUE VIGOROUSLY SUPPORTS:

.....SUPPORT OF IMPROVEMENT OF WATER QUALITY

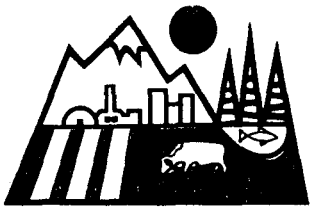
..... IMPROVED COORDINATION BETWEEN AGENCIES AND DEPARTMENTS

.... PROCEDURES THAT SUPPLY INFORMATION AND ENCOURAGE INTELLIGENT WEIGHING OF ALTERNATIVE PLANS

.....CITIZEN PARTICPATION IN WATER RESOURCE DECISIONS

WE BELIEVE THAT ALL OF THESE CONCERNS ARE PROVIDED FOR BY THIS BILL AND WE URGE YOUR SUPPORT OF IT.

Exhibit 9
1-14-71



MONTANA CHAMBER OF COMMERCE

P. O. BOX 1730 • HELENA, MONTANA 59601 • PHONE 442-2405

14 JANUARY 1970

HOUSE BILL 66----------

HOUSE BILL 66 IS TRULY A MASTERPIECE OF WORD USEAGE-----
AND A MASTERPLAN FOR THE ENHANCEMENT OF OUR ENVIRONMENT AND PROMULGATION OF OUR ECONOMIC PRODUCTIVITY.
IF SUCH A LAW WAS PRESENTLY IN EXISTANCE WE OF THE CHAMBER FEEL THAT MANY OF THE PRESENT PROBLEMS INVOLVING THE ENVIRONMENT AND MAN WOULD BE ~~LEVIATED~~ Lessened, AND SOME OF YOUR PRESENT LEGISLATIVE ACTION WOULD BE UNNECESSARY.
WE KNOW ALL WILL NOT BE HONEY AND ROSES UPON THE ENACTMENT OF THIS PIECE OF LEGISLATION, BUT WHEN IMPLEMENTED AND UNDER THE WISE LEADERSHIP STATED IN THE BILL IT CAN HELP ALLEVIATE MANY PROBLEMS AND ALLOW NATURE AND MAN TO SURVIVE IN PRODUCTIVE HARMONY.
THE MONTANA STATE CHAMBER OF COMMERCE SUPPORTS H.B. 66 AND ASKS FOR A "DO PASS" FROM YOUR COMMITTEE.

Exhibit 10
1-14-71

GOOD MEDICINE RANCH

Hoffman Route

LIVINGSTON, MONTANA 59047

Phone 222-1029

14 January 1971

Mr. Conrad F. Lundgren, Chairman
House Committee on Environment and Resources
Montana Legislature, 1971
Helena, Montana, 59601

Dear Mr. Lundgren:

I am Joe Halterman of Livingston, Montana and am pleased to appear before your committee in support of House Bill No. 66 as introduced by Representative George Darrow of Billings.

With the possible exception of those who seem not to care about tomorrow, I suspect that most everyone here has experienced the pain of having a favorite piece of country maimed under the guise of "development". I also suspect that most of us have wondered how we might lend an effective hand in the preservation of quality environment. Of all our organizations and causes none, in my opinion, are more important than those concerned with environmental issues whether they be of Montana or of the nation.

Quality environment is a broad, inclusive term - in addition to economic aspects the definition must include those things that make life meaningful. Too often in Montana we have witnessed development of a single interest or resource at the total expense of others - resources as well as people. Prior to Montana's Stream Preservation Law streams were sacraficed without a tinge of conscience. In a like manner, so much of our mineral exploration has shown little or no concern for a wide range of public interests. HB-66, as written, could bring environmental responsibility where none exists today. Coordinated, long-range planning, where the tangibles compliment the intangibles and where development is in line with, rather than contrary to the laws of Nature, can not help but spell sound progress for Montana.

Affirmative action on HB-66 by your committee would be an effective and a positive step towards preservation of quality environment. Such action would have the solid support of a great majority of Montanans and the ever increasing numbers of non-residents who look to Montana for quality living.

Inclusion of this statement in the official record of today's hearing will be appreciated.

Thank you!

Joe M. Halterman

Joe M. Halterman

Name Calvin Ryder Bill No. HB 66

Date Jan 14 1971 Exhibit 11

1-14-71 a.m.

Whom do you represent? Self.

Amend?..... Oppose?..... Support? ✓

Please leave prepared statement with secretary.

This bill in it establishment of an Environmental Quality Council recognizes a need which has existed since man has had the ability to modify his environment and provides the organization and guidelines necessary to ensure that quality of environment and life that we all aspire to.

This bill brings the people and state of Montana into alignment with national legislation.

Much legislation for environmental quality regulation is a feat a gesture and very fragmentary in nature. This bill is basic to maintenance of our resources and therefore the task of culture we should have to ourselves

and future generations.

Passage of this bill could mean more to the future of Montana and its citizens present and future economically, socially than any other legislation because it deals with the protection of the quality of resources necessary for all areas of endeavor and continued well being of mankind

I urge it passage in its present form.

Carl Ryder, Consultant
Environmental Education
Great Falls, Mont.

Exhibit 12
1-14-71 a.m.

Testimony before: Committee on Environment
Capitol Building, January 14, 1971
re: House Bill no. 66, "Montana Environmental Policy Act"
Gordon Whirry representing the Bozeman Environmental Task Force

Gentlemen (and Dorothy):

I am not going to spend your time today elaborating on the need for a quality environment-- we are all aware of that. The real question is "How do we achieve it?". We have heard the expressions of concern but we have yet to see very much actually done. Numerous, and often eloquent, statements have been made by legislators like yourselves and by the Governor. Now is the time to put those words into action; to go beyond the rhetoric and begin to produce some tangible results.

An essential first step in the achievement of adequate environmental protection, is that the goal of a quality environment for all Montanans be recognized as a legitimate one by the governing body of this state; and furthermore, that the governing body commit itself, in a meaningful way, to the attainment of that goal.

We are supporting House Bill no. 66, the "Montana Environmental Policy Act", because we feel it provides the means by which these initial considerations can be met. First, it puts the legislature on record as recognizing the importance of maintaining a harmonious balance between Man and Nature. It legally sets forth the right of all Montanans, now and in the future, to share the benefits of our natural heritage, to live in healthful surroundings, and to experience the beauty of an unspoiled land. Secondly, it commits the state, through its agencies, to consider the environmental consequences of its actions. House Bill no. 66 sets up the mechanism by which such considerations can be made in a knowledgeable and objective manner. Establishment of the Environmental Quality Council will create a representative, yet independent, body which will have the capability of insuring that critical environmental decisions be made solely on the basis of fact. Such an approach is essential if decisions are to reflect public good, rather than vested interest.

We believe the "Montana Environmental Policy Act", barring crippling amendments, is a good and necessary first step towards the attainment of a quality environment of all Montanans and, as such, we will support it. It is, however, only a first step and must be accompanied by comprehensive legislation aimed at assuring effective means of achieving the high standards outlined in the policy act. Since I will not be able to attend the Saturday hearing, I would also like to express, at this time, our strong support for House Bill no. 33, the "Montana Environmental Protection Act".

Thank you,

Gordon Whirry

Gordon Whirry

1-14-71 a.m.

The American Association of University Women supports House Bill 66 and the principles which it is attempting to foster. Our Association has been engaged in a two year project entitled The Beleaguered Earth. During these two years we have learned and seen that, contrary to the common conception, Montana's environment does have problems due to past transgressions of man, and even more important, it faces an uncertain future during which it must supply vast quantities of natural resources to a nation and perhaps world that are rapidly running out of resources.

In the past two years we have learned that it is important for citizens to become involved to protect their own environment. Agencies of government, designed to do this for us, have often fallen short. If this were not the case it would not have been so convenient for us to look at environmental degradation in Montana.

House Bill 66, as it is currently written, not only clearly states the objective of encouraging harmony between man and his environment, but also provides the machinery for requiring all state agencies to work positively toward this objective. The establishment of a unit of government responsible to the legislature is an essential feature, and should be maintained throughout the committee's deliberations on this act. The legislative post audit has adequately demonstrated that many state agencies need independent criticism to put their fiscal house in order. The fact that Montana has abandoned mining properties draining acid water, abandoned strip mined areas unreclaimed, and reckless mineral exploration activity presently in progress, all demonstrate that our environmental house is also out of order, and independent constructive criticism definitely called for.

As a side effect of our two year project learning about our "beleaguered earth" we have all learned the language of environment and ecology. During the last campaign we observed that politicians also learned the language of environment and ecology. The next logical step is to begin practicing some ecology and environmental responsibility.

It is apparent that this legislation will provide the people of Montana with this service. We therefore wholeheartedly support House Bill 66, we urge this committee to recommend its passage, and we further recommend that every possible effort be made to adequately finance this program.

January 14, 1971

Hearing on H.B. 66 was continued at 4:30 p.m. in room 431 with a quorum present and Chairman Lundgren presiding.

Mr. Kirk Dewey, executive secretary of the Montana Council of Churches, spoke in support of H.B. 66. He stated the Montana Council of Churches is the coordinating agency of nine denominations in Montana. The council had studied H.B. 66, he said, and questioned the appointments of the 4 members at large on the council but it was unanimous that the Montana Council of Churches express its hopes that the bill would be passed.

Mrs. Patt Calcaterra, chairman of the Montana group of Sierra Club, appeared in support of H.B. 66. Her statement is attached and becomes a part of the minutes. (Exhibit 1).

Mr. Don Aldrich, representing the Montana Wildlife Association, stated his association was in approval of H.B. 66 and stated they had studied the bill in its present form and approved of the changes which had been made.

Rep. Scott and Rep. Darrow discussed H.B.66 in relation to H.B. 33. Rep. Darrow stated that H.B. 33 contains the legal mechanics under which the citizens could obtain the rights to a healthy environment expressed in H.B. 66.

Chairman Lundgren stated that Margaret Adams had been present for the morning hearing but could not be present now and had left her letter for the committee. He read the letter, exhibit 2.

A letter from David G. Cameron was also read by Chairman Lundgren and becomes a part of the minutes, exhibit No. 3.

There being no others that wished to speak on the bill, the visitors were excused.

Rep. Darrow mentioned that he would propose two amendments to the bill to correct some typographical errors.

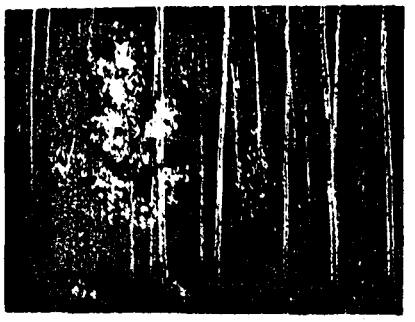
The meeting was adjourned at 4 :45 p.m.

Respectfully submitted,

hw

Conrad F. Lundgren
Chairman

1-14-71 p.m.
Exhibit No. 1



by Ansel Adams in *This Is the American Earth*

SIERRA CLUB

Mills Tower, San Francisco 94104

Montana Group - Box 315, Missoula, Montana 59801

January 14, 1971

Montana Group of Sierra Club position on H.B. 66: "To Establish an Environmental Quality Council and its .. Powers and Duties"

The Montana Group of the Sierra Club wishes to give its wholehearted support to this urgently needed legislation. We sincerely hope that this Act will strengthen and help centralize existing environmental laws and that it will add teeth to the enforcement of these laws.

The few reservations we do have are minor in nature but may be stated anyway in the hope that steps can be taken to eradicate the weaknesses.

1. The bill absolutely needs to have funding provisions if it is to be effective.
2. A more precise definition should be given as to the State's responsibilities and liability in its role of Trustee of the environment for the present and for succeeding generations.

We are in strong agreement with the spirit of the bill which reflects in constructive terms the general public's concern for the preservation of our environment and of its rapidly dwindling natural resources.

We are slightly concerned about the implementation of the bill insofar as the proposed Environmental Council seems to be lacking in effective powers in seeing that its recommendations are carried out. If such powers are not provided to the Council it would become merely another of the already too numerous recommending Agencies of the State, and which would nullify the very good intentions and aims of this bill.

It is in this spirit that we hope that if Reorganization of State Agencies is carried out it should not repeat the mistake of re-creating paper tigers that do nothing more than consume taxpayers' money without showing anything for it.

In conclusion, we wish to underscore that despite our reservations we strongly support the passage of this bill which aims at effectively protecting Montana's most precious natural resources. Such legislation will assure our State with a quality environment with long-range significance.

by the Executive Committee of the Montana Group of Sierra Club, Mrs. Patt Calcaterra, Executive Chairman.

1-14-71 p. m
Exhibit No. 2

My name is Margaret E. Adams of Great Falls. I am an elementary school principal working for the Great Falls Public Schools. Because of my close relations with young people I am particularly conscious of the obligation we have to preserve for those young people the highest possible environment in the state of Montana.

I want to urge the passage of House Bill No. 66 to "Establish a State Policy for the Environment and to Establish and Environmental Quality Council".

I want to urge that Section 5, appearing on Page 4 directing all agencies of the state to make all their administrative regulations conform to the philosophy of this act be included in its present form.

I wish to urge the members of this committee and of the legislature in total to look carefully at the membership stipulations for the "Environmental Council" as outlined on page 5 beginning on line 8. If the council is to represent all of the people of the state, I would suggest that appointments to the council be so structured that we guarantee that all geographic areas of the state be represented as well as both major political parties.

Further, I'd urge that the membership of the council consist of 8 members from the general public and 4 members of the legislature rather than the 4 members from the Senate, 4 members from the House and only 4 from the general public as outlined in the act.

I am delighted with the specific recommendations for qualification of the executive director with academic training in one of the environmental sciences.

I urge the passage of this act to make a genuine step forward in our efforts to maintain in Montana a healthful environment for all future generations of Montanas.

Signed:

Margaret E Adams

1-14-71 pm
Exhibit no. 3

Department of Zoology and Entomology
Montana State University
Bozeman, Montana 59715
January 13, 1971

Mr. Conrad Lundgren, Chairman
Committee on Environment
State Legislature
Helena, Montana

Re: House Bill No. 66

Dear Sir:

I enthusiastically endorse enactment of Montana House of Representatives Bill No. 66 regarding a policy on environmental quality. I am a native of Montana raised near Cascade on a sheep and cattle ranch with continuing interest in the family spread. I have lived for two or more years in New Jersey, Kentucky, California and Canada and from this perspective, as well as my professional training in ecology and genetics, I should like to comment on the timeliness and urgency of the enactment of such a policy.

In my present position as Head of Department of Zoology and Entomology at Montana State University, I am responsible for programs involving education and research in wildlife and fisheries management, agricultural practices of insect pest and parasite control, and researches involving human impact on natural ecological communities as well as general student education. At times the endeavors and missions of our staff would appear to be at odds with each other--one trying to protect crops, while the other is protecting wildlife, while the third may be pointing out inherent dangers in economic development in delicate natural systems.

Each state employee may be conscientiously performing his duties as narrowly defined. What is lacking is a definite governmental policy which sets common goals and priorities for all agencies whether educational or extension, advisory or private. Of such goals none can be more important than preserving the long term productivity and health generative properties of our environment. Many of our state employees know this necessity but have no overriding policy to fall back on when making recommendations--nothing to protect themselves from the attacks of those who seek quick returns at everyone's expense.

Along with such a policy as outlined in Bill No. 66 should be considerations of means whereby agriculture, forestry, and industry would be encouraged to take bold new steps to institute sound ecological practices.

I write as an interested citizen and in no way intend to represent the members of my department. I shall be happy to testify before your committee if you deem it desirable.

Respectfully,

David G. Cameron

The American Association of University Women supports House Bill 66 and the principles which it is attempting to foster. Our Association has been engaged in a two year project entitled The Beleaguered Earth. During these two years we have learned and seen that, contrary to the common conception, Montana's environment does have problems due to past transgressions of man, and even more important, it faces an uncertain future during which it must supply vast quantities of natural resources to a nation and perhaps world that are rapidly running out of resources.

In the past two years we have learned that it is important for citizens to become involved to protect their own environment. Agencies of government, designed to do this for us, have often fallen short. If this were not the case it would not have been so convenient for us to look at environmental degradation in Montana.

House Bill 66, as it is currently written, not only clearly states the objective of encouraging harmony between man and his environment, but also provides the machinery for requiring all state agencies to work positively toward this objective. The establishment of a unit of government responsible to the legislature is an essential feature, and should be maintained throughout the committee's deliberations on this act. The legislative post audit has adequately demonstrated that many state agencies need independent criticism to put their fiscal house in order. The fact that Montana has abandoned mining properties draining acid water, abandoned strip mined areas unreclaimed, and reckless mineral exploration activity presently in progress, all demonstrate that our environmental house is also out of order, and independent constructive criticism definitely called for.

As a side effect of our two year project learning about our "beleaguered earth" we have all learned the language of environment and ecology. During the last campaign we observed that politicians also learned the language of environment and ecology. The next logical step is to begin practicing some ecology and environmental responsibility.

It is apparent that this legislation will provide the people of Montana with this service. We therefore wholeheartedly support House Bill 66, we urge this committee to recommend its passage, and we further recommend that every possible effort be made to adequately finance this program.

Rep. Anderson asked if line 20 on page 6 would require everyone installing a septic tank to have a permit no matter where the tank would be installed and after considerable discussion, Rep. Scott said he thought it would be required to have a permit.

Rep. Scott moved that as amended, H.B. 85 do pass, seconded by Rep. Johnston and the motion passed unanimously.

Rep. Quilici moved that Rep. Darrow report on H.B. 66, seconded by Rep. Ainsworth and the motion carried.

Rep. Darrow stated the corrections were technical corrections, renumbering or relettering subsections, correcting typing errors; the words that were underlined on the first page were deleted from the original bill by mistake. He said on page 2 there was a substantial change as there had not been a term for the officials and the proposed amendment would provide a term of office, and that they would meet at least quarterly. He went through the amendments and explained each one. He moved that his proposed amendments be adopted, seconded by Rep. Johnston. Discussion followed. In answer to Rep. Quilici's question as to who made the appointments of the legislators to serve, Rep. Darrow pointed out that line 6, page 6 provided for the appointments to be made by the leadership in each house.

Rep. Bradley stated that she would like to limit representation from each house to two members and in that way she felt there would be better representation from the public. Rep. Darrow said the public is represented by the senators and the representatives and he would oppose her suggestion.

Rep. Scott moved to adjourn. His motion was lost 11 to 2.

Rep. McGrath moved that as amended, H.B. 66 do pass. Rep. Scott made a substitute motion that consideration of H.B. 66 be passed for the day, seconded by Rep. Bradley but the motion failed.

Rep. Scott explained that he would like to have H.B. 33 considered at the same time that H.B. 66 would be considered and explained why. Rep. Darrow said he felt each bill should be considered individually and considered on its own merits. Rep. Darrow seconded the motion that H.B. 66 do pass as amended, and the motion carried.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Conrad F. Lundgren, Chairman

hmw

SENATE COMMITTEE

on

NATURAL RESOURCES

The tenth meeting of the Natural Resources Committee was called to order by Chairman Bertsche at 12:00 noon, Thursday, February 18th, in Room 442. Roll was called and a quorum declared present.

Rep. George Darrow presented HB 316 and explained intent and purpose of the bill. He presented amendments to the bill as shown on the attached amendment form.

Ted Schwinden of the State Land Board spoke in favor of the bill. The board does not have enough people available to keep check of all state lands so this bill would give them an additional check on operations on state tracts.

Mons Teigen of the Montana Stockgrowers Association also spoke in favor of the bill.

Don Aldrich, Montana Wildlife Federation presented prepared statement in favor of the bill, which statement is attached.

Ray Olson, Anaconda Company, spoke in opposition. Stated there are already enough trespass statutes on the books and this legislation is unnecessary and impractical.

Robert Helding, Montana Forest Practices Industry appeared in opposition stating this act not necessary. However, if the bill is to be passed he suggested an amendment, whereby the language "or other valid contract" would be inserted on line 24, Section 5, page 2, as shown on the attached amendments.

Senator Groff also appeared and asked that Lines 11 and 12 on page 2 be amended by omitting the words "federally owned" and that Section 4 be omitted entirely from the bill.

Frank Griffin, Southwesteren Mining Association appeared in opposition, stating duplication of federal regulations and that the bill would work a hardship on the small miners.

George Darrow then stated in reply that this bill is important protection to the private landowner of his property rights. As to Senator Groff's proposed amendments he stated that this would take all the "teeth" out of the bill since so much of the problems occur on federally owned lands. He said he would accept Mr. Helding's amendment along with those he had proposed.

George Darrow then presented HB 66, and explained intent and purpose. Other proponents were Winton Wedemeyer, Montana Conservation Council, which group proposed the act; Dorothy Eck of League of Women Voters, Don Aldrich of Montana Wildlife Federation Mons Teigen of Montana Stockgrowners Assn., Jim Posowitz of State Fish and Game Commission and Frank Griffin of Southwestern Miners Association. There were no opponents.

Rep. Darrow offered an amendment on Line 7, page 6, Section 8(a) asking that the words "or his designated representative" be inserted following the word "governor" and also that Line 22, beginning with the word "Council" be amended by striking all of the language through and including the word and punctuation "meetings." on line 24, and inserting in lieu thereof the following words, figures and punctuation from Sec. 82A-110 of SB 274 "Each member of the council shall, unless he is a full-time salaried officer or employee of this state, be paid twenty-five dollars ($25) for each day he is actually and necessarily engaged in the performance of council duties, and shall also be reimbursed for actual and necessary expenses incurred while in the performance of council duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses."

This completed testimony and the committee went into executive session.

It was moved by Senator Mitchell, seconded by Senator Cochrane that the amendment on Line 7, page 6 be adopted. Motion carried. It was then moved by Senator Cochrane, seconded by Senator Mitchell that the proposed amendments on lines 22 through 24 on page 7 be adopted. This motion carried.

It was moved by Senator Hanks, seconded by Senator Mitchell that HB 66 BE CONCURRED IN AS AMENDED. The motion carried.

It was decided to pass consideration on HB 316 until the secretary could prepare the proposed amendments for the committee members to study. More discussion will be had on the bill at the next meeting, Saturday, February 20, at 8:00 A.M., at the Highway Commission Auditorium.

The meeting was then adjourned.

Chairman

Doris Cox, Secretary

SENATE NATURAL RESOURCES COMMITTEE
HOUSE BILL 66
Don Aldrich, Montana Wildlife Federation
February 18, 1971

To me, House Bill 66 says that Montana should continue to be a wonderful place to live and that development of its resources should be done in such a manner that quality living will be assured to those who follow.

All considerations, social, economic, health, aesthetics, culture, historic and the natural aspects of our heritage are to be considered.

House Bill 66 not only recognizes that all persons should be entitled to a healthful environment, but it goes on to say that we all have a responsibility to contribute to the preservation and enhancement of the environment.

We ask your favorable consideration of this legislation.

CHAPTER NO. 238.

An Act to Establish a State Policy for the Environment and to Establish an Environmental Quality Council and Setting Forth its Powers and Duties and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

"Montana environmental policy act."

Section 1. This act may be cited as the "Montana Environmental Policy Act".

Purpose.

Section 2. The purpose of this act is to declare a state policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the state; and to establish an environmental quality council.

Declaration of state policy.

Section 3. The legislative assembly, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Montana, in cooperation with the federal government and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can coexist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Montanans.

State responsibility.

(a) In order to carry out the policy set forth in this act, it is the continuing responsibility of the state of Montana to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; Trustee of environment.

(2) assure for all Montanans safe, healthful, productive, and esthetically and culturally pleasing surroundings; Surroundings.

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; Beneficial uses.

(4) preserve important historic, cultural, and natural aspects of our unique heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice; Heritage.

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and Balance between population and resource.

(6) enhance the qality of renewable resources and approach the maximum attainable recycling of depletable resources. Resources.

(b) The legislative assembly recognizes that each person shall be entitled to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. Right to healthful environment.

Section 4. The legislative assembly authorizes and directs that, to the fullest extent possible: Directions.

(a) The policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this act, and Interpretion of laws.

(b) all agencies of the state shall Duties of state agencies.

(1) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment; Use of science and environmental arts in planning.

(2) identify and develop methods and procedures, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations; Considerations in decision making.

(3) include in every recommendation or report on proposals for projects, programs, legislation and other major actions of state government significantly affecting Proposals shall include statement on environmental impact.

the quality of the human environment, a detailed statement on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the propasal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

State officials duty to consult experts.

Prior to making any detailed statement, the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the environmental quality council and to the public, and shall accompany the proposal through the existing agency review processes.

Distribution of copies.

Alternatives.

(4) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

Programs to maximize national cooperation.

(5) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

Advice and information to others.

(6) make available to counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

Ecological information.

(7) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(8) assist the environmental quality council established by section 8 of this act. Assist the council.

Section 5. All agencies of the state shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this act and shall propose to the governor and the environmental quality council not later than July 1, 1972, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this act. All state agencies shall review functions. Make recommendations to governor and council.

Section 6. Nothing in section 3 or 4 shall in any way affect the specific statutory obligations of any agency of the state Specific statutory obligations.

(a) to comply with criteria or standards of environmental quality,

(b) to coordinate or consult with any other state or federal agency, or

(c) to act, or refrain from acting contingent upon the recommendations or certification of any other state or federal agency.

Section 7. The policies and goals set forth in this act are supplementary to those set forth in existing authorizations of all boards, commissions, and agencies of the state. Supplementary policies and goals.

Section 8. **Environmental Quality Council.** The environmental quality council shall consist of thirteen (13) members to be as follows: Environmental quality council.

(a) The governor or his designated representative shall be an ex officio member of the council and shall participate in council meetings as a regular member. Governor.

(b) Four (4) members of the senate and four (4) memers of the house of representatives appointed before the sixteenth legislative day in the same manner as standing committees of the respective houses are appointed. A vacancy on the council occurring when the legislative assembly is not in session shall be filled by the selection of a member of the legislative assembly by the remaining 4 Senators. 4 Representatives. Vacancy.

members of the council. No more than two (2) of the appointees of each house shall be members of the same political party.

4 members of general public.

(c) Four (4) members of the general public to be appointed by the governor with the consent of the senate.

Qualifications.

In considering the appointments of (b) and (c) above, consideration shall be given to their qualifications to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the state government in the light of the policy set forth in section 3 of this act; to be conscious and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the state; and to formulate and recommend state policies to promote the improvement of the quality of the environment.

Terms of office.

Section 9. **Term of office.** The four (4) council members from the house of representatives shall serve for two (2) years and may be reappointed. Two (2) council members from the senate, one from each political party, and two (2) council members from the general public shall serve for four (4) years, and these members may be reappointed for a two (2) year term. Two (2) council members from the senate, one from each political party, and two (2) council members from the general public shall serve for two (2) years and these members may be reappointed for a four (4) year term. In no case shall a member of the council serve more than six (6) years.

Chairman.

The council shall elect one of its members as chairman and such other officers as it deems necessary. Such officer shall be elected for a term of two (2) years.

Meetings.

Section 10. **Meetings.** The council may determine the time and place of its meetings but shall meet at least once each quarter. Each member of the council shall, unless he is a full-time salaried officer or employee of this state,

$25 per day.

be paid twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of council duties, and shall also be reimbursed for

Expenses.

actual and necessary expenses incurred while in the performance of council duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses.

set forth in section 3 of this act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and

Recommendations.

to make recommendations to the governor and the legislative assembly with respect thereto;

Develop policies to promote environmental quality.

(c) to develop and recommend to the governor and the legislative assembly, state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

Investigation and analyses.

(d) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

Documentation of changes in natural environment.

(e) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

Studies and reports for legislation.

(f) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislative assembly requests;

Assistance to legislature, agencies and the public.

(g) to analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences, and assist in preparation of reports for use by legislative committees, administrative agencies, and the public.

Assistance to legislators in planning.

(h) to consult with, and assist legislators who are preparing environmental legislation, to clarify any deficiencies or potential conflicts with an overall ecologic plan.

Evaluation of programs.

(i) to review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities, and with a general ecologic perspective, and to suggest legislation to remedy such situations.

Annual environmental quality report.

(j) to transmit to the governor and the legislative assembly annually, and make available to the general public annually, beginning July 1, 1972, an environmental quality report concerning the state of the environment which shall contain

Status of environmental classes.

(1) the status and condition of the major natural, man-made, or altered environmental classes of the state,

including, but not limited to, the air, the aquatic, including surface and ground water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment;

Adequacy of resources.

(2) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;

Trends.

(3) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;

Review of programs.

(4) a review of the programs and activities (including regulatory activities) of the state and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and

Remedies for deficiences.

(5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Council's authority to examine and inspect.

Section 15. The environmental quality council shall have the authority to investigate, examine and inspect all records, books and files of any department, agency, commission, board or institution of the state of Montana.

Hearings, oaths, subpoenas, witnesses.

Section 16. In the discharge of its duties the environmental quality council shall have authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents and testimony, and to cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council, or any committee thereof, or of the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county or the judge thereof, on application of the environmental quality council to compel obedience by proceedings for contempt as the case of disobedience of the requirements of a subpoena issued from such court on a refusal to testify therein.

Depositions.

Contempt proceedings.

Duty of council to consult others.

Section 17. In exercising its powers, functions, and duties under this act, the council shall

(a) consult with such representatives of science, industry, agriculture, labor, conservation organizations, educational institutions, local governments and other groups, as it deems advisable; and

Utilize other sources.

(b) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the commission's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Effective immediately.

Section 18. This act is effective on its passage and approval.

Approved March 9, 1971.

CHAPTER NO. 239

An Act Providing for Special or Rural Improvement District Type Bonding for Flood Control and Water Conservation Projects; Amending Section 89-3312, R.C.M. 1947

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 89-3312, R.C.M. 1947, is amended to read as follows:

Cities, towns and counties authorized to issue special improvement district or rural improvement district bonds.

"89-3312. **Indebtedness and bonds — bond election — *special assessment* to pay indebtedness.** Cities, towns and counties are hereby authorized to contract indebtedness and to issue *special improvement district or rural improvement district* bonds to provide funds for the payment of the cost of improvements contemplated by this act by following the following procedures:

Special election.

The governing body of the city, town or county may call a special election to vote upon the proposition of issuing said bonds or may submit the proposition as a special question at a regular municipal or general election.

Notice and conduct.

The notice of the election and the election itself shall be